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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,345	12/29/2000	Eric W. Parsons	061473/0269982	8396

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2697

DATE MAILED: 05/09/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/753,345	PARSONS ET AL.
	Examiner	Art Unit
	Md S Elahee	2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 December 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.

6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 03/05/03. Claims 1-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 03/05/03 have been fully considered but they are not persuasive.

The applicant argues on page 6, that the rejection under 35 USC 102(e) and the rejections under 35 USC 103 should be withdrawn because the patent (Smith) and the present invention are commonly owned. On the contrary, MPEP 706.02(l)(1) states: “35 U.S.C. **103(c)** applies only to prior art usable in an obviousness rejection under 35 U.S.C. 103. Subject matter that qualifies as anticipatory prior art under 35 U.S.C. **102**, including 35 U.S.C. **102(e)**, is not affected, and may still be used to reject claims as being anticipated.” Thus the rejection of the claims in view of Smith remains.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. Patent No. 6,333,973).

Regarding claims 1 and 9, Smith discloses message a center 6100 representing the user the SMS notification messages for all types of messages (fig.5; fig.6; col.8, lines 26-29; ‘SMS notification messages’ reads on the claim ‘information regarding message events’ and ‘all types of messages’ reads on the claimed ‘message feeds’).

Smith further discloses different types of message servers informing SMS server of the pending messages (col.7, lines 43,44, lines 61,62; col.8, lines 2,3; ‘informing’ reads on the claim ‘updating’ and ‘pending messages’ reads on the claim ‘a list of messages’).

Smith further discloses SMS server 5300 notifying the user of pending messages via SMS notification messages (fig.5; col.7, lines 16-21; ‘notification’ reads on the claim ‘alert’).

Smith further discloses SMS server 5300 transmitting SMS messages, including notification messages, on mobile telephone 1100’s GSM signaling channel associated with the user (col.7, lines 20-22; ‘transmitting SMS messages, including notification messages’ reads on the claim ‘pushing the alert’).

Smith further discloses Backup 5900 serving as a backup memory device that stores pending messages in the event of a failure in one of the servers (fig.5; col.8, lines 8-10; ‘serving as a backup’ reads on the claim ‘archiving information’).

Regarding claims 2 and 10, Smith further discloses hot-links into the SMS text messages for accessing backup server (fig.5, fig.9A, fig.9B; col.9, lines 23-34; ‘hot-links’ reads on the claim ‘link’).

Regarding claims 3 and 11, Smith further discloses the pending messages comprising voice mail, fax mail, e-mail etc. (col.3, lines 50-54).

Regarding claims 4 and 12, Smith further discloses the message center to inform a user of incoming messages, such as fax mail, e-mail, voice mail, etc. (col.3, lines 50-54; ‘incoming’ reads on the claim newly received’), to delete the messages, such as voice mail, fax mail, e-mail, etc. (fig.10, fig.11, fig.12; col.9, lines 46-49; col.10, lines 11-14) and to mark the messages as read (fig.7B; col.8, lines 66, 67 and col.9, lines 1-5).

Regarding claims 6 and 14, Smith further discloses message center 6100 (fig.6) organizing the messages according to user preference (col.8, lines 46, 47; ‘user preference’ reads on the claim ‘an indication of a most recent one of the message events’).

Regarding claims 7 and 15, Smith further discloses message center 6100 (fig.6) providing more detailed information like the sender's home, office, and/or cellular telephone number, a location icon indicating from where the sender sent the message, the sender's e-mail address, the date and time the message was received, etc.(col.8, lines 52-61; ‘detailed information’ reads on the claim ‘an identification of a caller associated with the most recent message event’ and ‘sender’ reads on the claim ‘caller’)

Regarding claims 8 and 16, Smith further discloses message center 6100 presenting the user with an indication of the total number of messages received 7100 and sent 7200 and type of messages (fig.7A; col. 8, lines 36-45; ‘type of messages’ reads on the claim ‘each of the message feeds’).

Regarding claim 17, Smith further discloses voice mail server 5600 storing voice messages for the user (fig. 5; col.7, lines 40, 41; ‘voice mail server’ reads on the claim ‘first

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messaging server' and 'voice messages' reads on the claim 'store messages from a first message feed') and fax mail server 5700 storing fax mail messages for the user (fig. 5; col.7, lines 40, 41; 'fax mail server' reads on the claim 'second messaging server' and 'fax mail messages' reads on the claim 'store messages from a second message feed').

Smith further discloses SMS server collecting information of the pending messages from different types of message servers (col.7, lines 43,44, lines 61,62; col.8, lines 2,3; 'different types of message servers' reads on the claim 'first and second messaging servers' and 'SMS server' reads on the claim 'notification server'), notifying the user of pending messages via SMS notification messages (fig.5; col.7, lines 16-21; 'notification' reads on the claim 'alert') and transmitting SMS messages, including notification messages, on mobile telephone 1100's GSM signaling channel associated with the user (col.7, lines 20-22; 'transmitting SMS messages, including notification messages' reads on the claim 'to push alerts').

Smith further discloses Backup 5900 serving as a backup memory device that stores pending messages in the event of a failure in one of the servers (fig.5; col.8, lines 8-10; 'Backup 5900' reads on the claim 'an archive coupled to the notification server and 'pending messages' reads on the claim 'message headers based on the collected information, the pushed alerts including a link for accessing the archive').

Regarding claim 18, Smith further discloses a user friendly interface provided by mobile telephone 1100 facilitating message retrieval, manipulation, and response by the user (fig.2; col.5, lines 9-10; 'user friendly interface' reads on the claim 'a wireless interface' and 'facilitating' reads on the claim 'to communicate with the wireless device') and the HTML code permitting the caller to insert selection buttons or hot-links into the SMS text messages for

accessing backup server (fig.5, fig.9A, fig.9B; col.9, lines 23-34; ‘selection buttons or hot-links into the SMS text messages’ reads on the claim ‘selection of the link included in the pushed alerts’).

Regarding claim 19, Smith further discloses the pending messages comprising voice mail, fax mail, e-mail etc. (col.3, lines 50-54; ‘the pending messages’ reads on the claim ‘the first message feed’ and ‘the second message feed’).

***Allowable Subject Matter***

5. Claims 5, 13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

**Any response to this action should be mailed to:**

**Box AF**  
Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

(703) 308-5397(for formal communications intended for entry; please mark "EXPEDITED PROCEDURE")  
(703) **306-5406**(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

**or hand-carried to:**

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

*M. E.*

MD SHAFIUL ALAM ELAHEE  
May 5, 2003

*K.A. Williams*

Kimberly A. Williams  
Primary Examiner  
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